

WEDNESDAY, MAY 8, 1985

FORTY-FIFTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by J. Brian Crow, Minister, Central Church of Christ, Sparta, Tennessee.

Representative Hillis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill

**No.:**

533--To protect certain throughfares; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 76, 206, 275, 286, 336, 386, 532, 711, 868, 879, 972, 1031, 1081, 1082, 1086, 1092 and 1093; also, House Joint Resolutions Nos. 253, 262, 283 and 284; all signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 134, 195, 481, 540, 966, 1091 and 1094; House Resolutions Nos. 28 and 30; and House Joint Resolutions Nos. 124, 285 and 286; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 134, 195, 481, 540, 966, 1091 and 1094; House Resolutions Nos. 28 and 30; and House Joint Resolutions Nos. 124, 285 and 286.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 92 and 93, without his signature.

**WILLIAM H. INMAN,**  
Counsel to the Governor.

Dear Speaker McWherter,

I am returning House Joint Resolution 92 without my signature. It is my general practice to permit resolutions expressing the opinions of

the General Assembly to Congress to become law without my signature.  
Sincerely,

Lamar Alexander

House Joint Resolution No. 92 becomes effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

Dear Speaker McWherter,

I am returning House Joint Resolution 93 without by signature. It is my general practice to permit resolutions expressing the opinons of the General Assembly to TVA to become law without my signature.

Sincerely,

Lamar Alexander

House Joint Resolution No. 93 become effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following additional bills on the Calendar for Wednesday, May 8, 1985: House Bills Nos. 777, 601, 708, 1012 and 283, and Senate Joint Resolution No. 96.

GILL, Chairman.

Mr. Stallings moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 320 out of order, which motion prevailed.

House Joint Resolution No. 320--Relative to Fortieth Anniversary of "V-E Day."--By Stallings.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Stallings moved that House Joint Resolution No. 320 be adopted, which motion prevailed by the following vote:

Ayes . . . . . 97  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry,

## WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY

DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

### ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 320; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

### CALENDAR

Mr. Davis (Knox) moved that House Bill No. 701 be placed on the Calendar for Wednesday, May 15, 1985, which motion prevailed.

House Bill No. 463--To amend Intercounty Enforcement of Support Law.

On motion, House Bill No. 463 was made to conform with Senate Bill No. 472.

On motion, Senate Bill No. 472, on same subject, was substituted for House Bill No. 463.

Ms. Williams moved that Senate Bill No. 472 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey,

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative present and not voting was: Darnell--1.

A motion to reconsider was tabled.

House Bill No. 299--To make certain provisions, elevators and escalators.

On motion, House Bill No. 299 was made to conform with Senate Bill No. 67.

On motion, Senate Bill No. 67, on same subject, was substituted for House Bill No. 299.

Ms. Williams moved that Senate Bill No. 67 be passed on third and final consideration.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 67 by adding the following new SECTION 11 and redesignating subsequent sections accordingly:

SECTION 11. Tennessee Code Annotated, Section 68-20-108 (d), is amended by deleting the text thereof in its entirety and substituting the following:

Each company employing such special inspectors shall, within thirty (30) days following each internal and external boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the American Society of Mechanical Engineers.

AND FURTHER AMEND by deleting the directory language of Section 13 and substituting the following:

Tennessee Code Annotated, Section 68-20-115, is amended by deleting the text thereof in entirety and substituting the following:

AND FURTHER AMEND by adding the following new Section 13 and redesignating subsequent sections accordingly:

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

the amendatory language of Section 2, as amended, the word "directed" and by substituting instead the word "requested".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 850, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 427--To make provisions, clerks' fees, child support payments.

On motion, House Bill No. 427 was made to conform with Senate Bill No. 495.

On motion, Senate Bill No. 495, on same subject, was substituted for House Bill No. 427.

Ms. Gaia moved that Senate Bill No. 495 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas,

SECTION 13. Tennessee Code Annotated, Section 68-20-110 (a) (1), is amended by deleting the text thereof in its entirety and substituting the following:

Power boilers shall be inspected annually both internally and externally while not under pressure, and shall also, if possible, be inspected externally while under pressure approximately six (6) months following the date of each internal inspection.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 67, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 809--To make certain provisions, comprehensive health insurance.

On motion, House Bill No. 809 was made to conform with Senate Bill No. 850.

On motion, Senate Bill No. 850, on same subject, was substituted for House Bill No. 809.

Mr. Kernell moved that Senate Bill No. 850 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

#### AMENDMENT NO. 1

Amend Senate Bill No. 850 by deleting from the first sentence of

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

**RECESS**

On motion of Mr. Chiles, the House recessed for the purpose of making a special presentation to Crystal Gayle.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 60--To grant contempt powers to general sessions courts.

Mr. Wix moved that House Bill No. 60 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 60 by adding the following to the end of subsection (b) of the amendatory language of Section 1:

The provisions of this subsection authorizing judges of courts of general sessions to punish contempt by imprisonment shall apply only to such judges who are licensed to practice law in this state.

**FURTHER AMEND** by adding the following to the end of the amendatory language of Section 2:

Provided, however, courts of general sessions shall not have the power to inflict the punishment of imprisonment for contempt unless the judge thereof is licensed to practice law in this state.

On motion, the amendment was adopted.

Thereupon, House Bill No. 60, as amended, passed its third and final consideration by the following vote:



Ayes . . . . .	94
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative present and not voting was: Dixon--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

Senate Joint Resolution No. 69--Relative to proposed amendment, representation, District of Columbia.

Mr. Drew moved that Senate Joint Resolution No. 69 be concurred in.

Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes . . . . .	73
Noes . . . . .	16
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Curlee, Darnell, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, Kisber, Love, May, McAfee, McCroskey, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham and Yelton --73.

Representatives voting no were: Chiles, Cross, Davis (Gibson), Hassell, Kent, Lawson, McNally, Montgomery, Moody, Murray, Nance,

Stafford, Treadway, Williams, Wolfe and Wood--16.

Representatives present and not voting were: Severance and Shirley--2.

Thereupon, Senate Joint Resolution No. 69 failed to receive a constitutional majority by the following vote:

Ayes . . . . .	42
Noes . . . . .	51
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Clark (Davidson), Cobb, Collier, Covington, Curlee, Darnell, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Jones, Kernell, King, Love, Miller, Moore (Sullivan), Murphy, Naifeh, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Turner, B. (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Winningham, Yelton and Mr. Speaker McWherter--42.

Representatives voting no were: Bewley, Buck, Byrd, Chiles, Clark (Sumner), Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Kent, Kisber, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Murray, Nance, Rhinehart, Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Tankersley, Tanner, Treadway, Ussery, Whitson, Williams, Wolfe, Wood and Work--51.

Representative present and not voting was: Shirley--1.

Under the rules, Senate Joint Resolution No. 69 was re-referred to the Committee on Calendar and Rules.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 418--To make certain provisions, school attendance.

On motion, House Bill No. 418 was made to conform with Senate Bill No. 178.

On motion, Senate Bill No. 178, on same subject, was substituted for House Bill No. 418.

Mr. Wood moved that Senate Bill No. 178 be passed on third and final consideration.

Mr. Work moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 178 in amendatory Section 49-6-3050 (a) of Section 3 in the first sentence, delete the words "on their own premises"

On motion, the amendment was adopted.

Mr. Work moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 178 by adding the following:

**AND FURTHER AMEND** in amendatory Section 49-6-3050 (b) (1) of Section 3 by adding at the end of subdivision (b) (1) the following:

Information contained in such reports may be used only for record keeping and other purposes for which similar information on public school students may be used in accordance with guidelines, rules, and regulations of the state board of education.

On motion, the amendment was adopted.

Mr. Work moved to amend as follows:

**AMENDMENT NO. 3**

Amend Senate Bill No. 178 in the first line of subdivisions of (5) (A), (5) (B), (5) (C) (i), and (5) (C) (iii) by deleting the words "local superintendent" and substituting the words "commissioner of education, or his designee".

**AND FURTHER AMEND** in the fifth line of subdivision (5) (C) (i), by deleting the word "superintendent" and substituting instead the words "commissioner of education, or his designee".

On motion, the amendment was adopted.

Mr. Work moved to amend as follows:

**AMENDMENT NO. 4**

Amend Senate Bill No. 178 by deleting the words "a teacher certified to teach at the child's grade level" in subdivision (B) and substituting instead the following:

a teacher certified by the state board of education and having a certificate or endorsement in the grade level or course or subject matter in which consultation is sought.

On motion, the amendment was adopted.

Mr. Work moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 178 by adding at the end of subdivision (C) a new sentence, as follows:

If a test indicates that a home school student is one (1) year or more behind his appropriate grade level, the second consecutive test shall be administered not more than six (6) months later, notwithstanding the required testing schedule in subdivision (b) (5) (A).

On motion, the amendment was adopted.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 178 by deleting from the last sentence in Section 3 (b) (6) (C) the phrase "the second consecutive test shall be administered not more than six (6) months later" and by substituting instead the phrase "the same test shall be administered to the child not more than one (1) year later".

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 178 as follows:

Amend Sections 3(b)(1), 3(b)(2), 3(b)(5), 3(b)(6), 3(b)(8) and 3(9) by deleting the word "superintendent" or "local superintendent" and substitute in place thereof "Department of Education district office".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 178, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	79
Noes . . . . .	18
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, King, Kisber, Lawson, May,

**WEDNESDAY, MAY 8, 1985—45th LEGISLATIVE DAY**

McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--79.

Representatives voting no were: Bivens, Cross, Davis (Cocke), DeBerry, Dills, Dixon, Jones, Kernell, Love, McAfee, Rhinehart, Robinson (Hamilton), Starnes, Treadway, Turner, B. (Hamilton), Turner, L. (Shelby), Webb and Wheeler--18.

Representative present and not voting was: Buck--1.

A motion to reconsider was tabled.

House Bill No. 311--To make certain provisions, unemployment compensation.

On motion, House Bill No. 311 was made to conform with Senate Bill No. 77.

On motion, Senate Bill No. 77, on same subject, was substituted for House Bill No. 311.

Mr. Clark (Sumner) moved that Senate Bill No. 77 be passed on third and final consideration.

Mr. Scruggs moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 77 by inserting in Section 3 after the words "Tennessee Code Annotated" and before the words "is amended" the word and figures "Section 50-7-301(d)".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 77, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips,

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Mr. Davidson moved that House Bill No. 215 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 598--To make certain provisions, professional boxing matches.

On motion, House Bill No. 598 was made to conform with Senate Bill No. 757.

On motion, Senate Bill No. 757, on same subject, was substituted for House Bill No. 598.

Mr. Miller moved that Senate Bill No. 757 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 757 by inserting the following language as new sections immediately preceding the effective date section and by appropriately renumbering such effective date section:

Section \_\_\_\_\_. There is hereby created the advisory board on professional boxing. The advisory board shall consist of nine (9) members appointed by the commissioner of the department of commerce and insurance. The commissioner shall appoint three (3) residents from each of the state's grand divisions.

Three (3) members shall be appointed each to an initial term of one (1) year; three (3) members shall be appointed each to an initial term of two (2) years; and three (3) members shall be appointed each to an initial term of three (3) years. Thereafter, all members shall be appointed to regular terms of three (3) years. Vacancies shall be filled by the commissioner for the balance of the unexpired term. Members shall be eligible for reappointment.

Two (2) members of the board shall be persons licensed in this state as professional boxing promoters; two (2) members shall be persons licensed in this state as professional boxing managers; two (2) members shall be persons licensed in this state as professional boxing referees; two (2) members shall be persons licensed in this state as professional boxing judges; and one (1)

member shall be a physician licensed in this state who is knowledgeable in the theories, principles, and practice of sports medicine.

Section \_\_\_\_\_. It shall be the duty of the advisory board on professional boxing to assist the commissioner in the continuing implementation and enforcement of Tennessee Code Annotated, Title 68, Chapter 50, Part 2, by periodically studying, reviewing, and evaluating all boxing rules promulgated, or proposed for promulgation, by the commissioner. All findings and recommendations of the board shall be advisory in nature. In performing such duty, it shall be the objective of the advisory board to assist the commissioner in the systematic, orderly and consistent regulation of the sport of professional boxing and to insure the highest degree of integrity.

Section \_\_\_\_\_. The advisory board shall meet twice each year, in January and in July, and at such other times as may be necessitated by the call of the commissioner. Five (5) members shall constitute a quorum of the board for the transaction of business. At its annual January meeting, the board shall elect from its membership a chairman, a vice chairman, and a secretary. Administrative, secretarial, and clerical services shall be provided to the board by the director of the division of regulatory boards of the department of commerce and insurance.

Board members shall serve without compensation but shall be entitled to reimbursement for travel expenses in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 757, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frenley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery,

Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 223--To amend Retailers' Sales Tax Act.

Mr. Huskey moved that House Bill No. 223 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 223 by adding the following language as a new section immediately preceding the effective date section:

Section \_\_\_\_ . Tennessee Code Annotated, Section 67-6-322, is amended by adding the following language as a new subsection to be lettered:

( ) No county having a metropolitan form of government is authorized under Tennessee Code Annotated, Title 67, Chapter 6, to levy any tax on the sale, purchase, use, consumption or distribution of steam and chilled water produced and distributed by an energy resource recovery facility operated in a county with a metropolitan form of government.

On motion, the amendment was adopted.

Thereupon, House Bill No. 223, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--94.



**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Representatives voting no were: DeBerry and Jones--2.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 238**

House Bill No. 238--To create special school, juvenile correction.

Mr. Love moved that House Bill No. 238 be passed on third and final consideration.

Mr. Miller requested that Amendment No. 1 be moved to the heel of the amendments.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 238 by deleting Sections 1 through 5 in their entirety and by substituting instead the following new Sections 1 and 2:

**SECTION 1.** Tennessee Code Annotated, Section 4-6-143, is amended in the second paragraph by adding the words "and local county salary supplement" after the words "plus any state mandated local supplement".

**SECTION 2.** This act shall take effect on July 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Miller moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, House Bill No. 238, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford,

## WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY

Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative voting no was: Winningham--1.

A motion to reconsider was tabled.

House Bill No. 901--To regulate county election commissions.

On motion, House Bill No. 901 was made to conform with Senate Bill No. 906.

On motion, Senate Bill No. 906, on same subject, was substituted for House Bill No. 901.

Mr. Love moved that Senate Bill No. 906 be passed on third and final consideration.

Mr. Love moved to amend as follows:

### AMENDMENT NO. 1

Amend Senate Bill No. 906 by deleting Section 1 (original Section 3) in its entirety and substituting a new Section 1 as follows:

Section 1. Tennessee Code Annotated, Section 2-12-103, is amended by deleting the period at the end of the last sentence in the section and adding the following:

, and in case of counties with a metropolitan form of government shall consult with the black members of the legislative delegation from such counties on the naming of members of such commission.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 906, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	89
Noes . . . . .	3
Present and not voting . . . . .	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally,

**WEDNESDAY, MAY 8, 1935--45th LEGISLATIVE DAY**

Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wood, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: Chiles, Lawson and Wolfe--3.

Representatives present and not voting were: Duer, Moore (Shelby) and Work--3.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 888--To amend Excise Tax Law.

On motion, House Bill No. 888 was made to conform with Senate Bill No. 777.

On motion, Senate Bill No. 777, on same subject, was substituted for House Bill No. 888.

Mr. Bragg moved that Senate Bill No. 777 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 805--To amend Gasoline Tax Law.

Mr. Depriest moved that House Bill No. 805 be passed on third and final consideration.

Mr. Davis (Gibson) moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 805 by adding the following new section and renumbering the sections accordingly:

**SECTION .** Notwithstanding any provisions of the law to the contrary, a county or city shall be eligible to receive those revenues to be distributed directly to them from the tax increases imposed by Sections 67-3-603 and 67-3-604, effective 1985, only if they appropriate and allocate funds for road purposes from local revenue sources in an amount not less than the average of the five preceding fiscal years, except bond issues and federal revenue sharing proceeds shall be excluded from the five year average computation. If a county or city fails after the effective date of this act to so appropriate and allocate at least said average amount for road purposes, then the amount of revenues which would otherwise be allocable to such county or city from the revenues derived by Sections 67-3-603 and 67-3-604, effective 1985, shall be reduced by the amount of the decrease below said average. The amount of such funds not allocated to such county or city because of said decrease shall be allocated to the state highway fund to be used by the department of transportation for the improvement of state highways in such county or city and such state funds shall be in addition to the funds otherwise allocated for improvements in such county or city in that fiscal year.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 805 by deleting the words and figures "twelve cents (12¢)" in Section 1 and by substituting instead the words and figures "ten cents (10¢)".

**AND FURTHER AMEND** by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ . Tennessee Code Annotated, Section 67-3-617 is amended by adding the following new subsection:

( ) Notwithstanding the provisions of subsection (b) to the contrary, the one cent (1¢) increase in taxes levied by the provisions of this act shall be apportioned and distributed as follows:

(1) Two thirds (2/3) of total taxes collected to the various counties of the state on the basis set out

at Section 54-4-103; and

(2) One-third (1/3) of total taxes collected to the various municipalities, as defined by Section 54-4-201, on the basis set out at Section 54-4-203.

Mr. Henry moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes . . . . .	47
Noes . . . . .	48

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Clark (Sumner), Cobb, Collier, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Duer, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, May, McCroskey, McNally, Moody, Moore (Sullivan), Murray, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe and Wood--47.

Representatives voting no were: Bell, Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Copeland, Covington, Crain, Curlee, Davis (Knox), DeBerry, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moore (Shelby), Murphy, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Tanner, Treadway, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams and Yelton--48.

Thereupon, Amendment No. 3 failed by the following vote:

Ayes . . . . .	46
Noes . . . . .	50

Representatives voting aye were: Bell, Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Copeland, Covington, Curlee, DeBerry, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Tanner, Treadway, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams and Yelton--46.

Representatives voting no were: Bewley, Bivens, Buck, Burnett, Clark (Sumner), Cobb, Collier, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Duer, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, May, McCroskey, McNally, Moody, Moore (Sullivan), Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood and Work--50.

Mr. DePriest moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 805 by adding the following new Section:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Amendment No. 4 was adopted by the following vote:

Ayes . . . . .	72
Noes . . . . .	15

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Gafford, Garrett, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, King, Kisber, Lawson, May, McAfee, McNally, Miller, Montgomery, Moody, Murphy, Murray, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Yelton--72.

Representatives voting no were: Bragg, Chiles, Clark (Davidson), Ellis, Gaia, Gill, Hassell, Jones, Kent, Kernell, Moore (Shelby), Naifeh, Nance, Shirley and Stafford--15.

Mr. Crain moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 805 by deleting the date "June 1, 1985" in the effective date section and substituting instead the date "October 1, 1985".

Mr. Rhinehart moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	60
Noes . . . . .	32
Present and not voting . . . . .	1

Representatives voting aye were: Bewley, Bivens, Brewer, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Henry, Hillis, Hobbs,

Hurley, Huskey, Ivy, Jared, Kent, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murphy, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe and Yelton--60.

Representatives voting no were: Bell, Bragg, Buck, Chiles, Clark (Davidson), Covington, Crain, Davis (Knox), Dills, Dixon, Drew, Gaia, Gill, Hassell, Jones, Kernell, Kisber, Lawson, Miller, Moore (Shelby), Murray, Naifeh, Nance, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Treadway, Turner, C. (Shelby), Turner, L. (Shelby) and Wood--32.

Representative present and not voting was: Napier--1.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 805 by adding the following new sections:

**SECTION .** Tennessee Code Annotated Section 67-3-617 is amended by adding the following new subsection (c):

(c) Revenues from the increases in taxes imposed by Tennessee Code Annotated Section 67-3-603 and 67-3-604, effective 1985, shall be distributed in accordance with the following formula:

(1) Two cents (2¢) of such revenues shall be apportioned pursuant to subsection (b) of this section.

(2) One cent (1¢) of such revenues shall be apportioned as follows:

(A) Of such amount designated hereafter for distribution to the counties and cities, one percent (1%) shall be subtracted from the amount designated for cities and one percent (1%) shall be subtracted from the amount designated for counties for distribution to the general fund for expenses of administration prior to the distribution of the funds to the cities or counties;

(B) Sixty-six and two-thirds percent (66 2/3%) of such revenues collected to the various counties of the state on the basis set out at Section 54-4-103; and

(C) Thirty-three and one-third percent (33 1/3%) of such revenues collected to the various

municipalities, as defined by Section 54-4-201, on the basis set out at Section 54-4-203.

(3) The distribution provided for in subsection (c) shall apply for a one year period from July 1, 1985 to June 30, 1986. After June 30, 1986, the revenues from the increases in taxes imposed by Tennessee Code Annotated Sections 67-3-603 and 67-3-604, effective 1985, shall be distributed in accordance with the provisions of subsection (b) of this section.

**SECTION .** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**FURTHER AMEND** by deleting from Section 4 the word and symbols "June 1, 1985" and by substituting instead the word and symbols "July 1, 1985".

Mr. Bragg moved that House Bill No. 805 be placed on the Calendar for Wednesday, May 15, 1985.

Mr. Henry moved that the motion be tabled, which motion prevailed by the following vote:

Ayes . . . . .	55
Noes . . . . .	42

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Duer, Frensley, Gafford, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood and Work--55.

Representatives voting no were: Bell, Bragg, Brewer, Chiles, Clark (Davidson), Copeland, Crain, Darnell, Davis (Knox), Dixon, Drew, Ellis, Gaia, Garrett, Gill, Jared, Jones, Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Tanner, Treadway, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Williams and Yelton--42.

Mr. Bragg moved that House Bill No. 805 be placed on the next available place on the next available Calendar.



Mr. Rhinehart moved that the motion be tabled, which motion prevailed by the following vote:

Ayes . . . . .	52
Noes . . . . .	45

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Duer, Frensley, Gafford, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix and Wolfe--52.

Representatives voting no were: Bell, Bragg, Brewer, Chiles, Clark (Davidson), Copeland, Crain, Darnell, Davis (Knox), Dills, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Jared, Jones, Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Williams, Wood, Work and Yelton--45.

Mr. Clark (Davidson) moved that House Bill No. 805 be re-referred to the Committee on Judiciary.

Mr. Burnett moved that the motion be tabled, which motion prevailed by the following vote:

Ayes . . . . .	58
Noes . . . . .	37

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Duer, Frensley, Gafford, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, King, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Tanner, Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe and Work--58.

Representatives voting no were: Bell, Bragg, Brewer, Chiles, Clark (Davidson), Copeland, Covington, Darnell, Davis (Knox), Dixon, Drew, Ellis, Gaia, Garrett, Gill, Jared, Jones, Kent, Kernell, Kisber, Love, Miller, Moore (Shelby), Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Williams and Wood--37.

Mr. Chiles moved the previous question, on Amendment No. 6, which motion prevailed by the following vote:

Ayes . . . . .	76
Noes . . . . .	13
Present and not voting . . . . .	4

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Treadway, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe and Work--76.

Representatives voting no were: Bragg, Davis (Knox), Drew, Jones, Kent, Miller, Montgomery, Moore (Shelby), Stafford, Turner, C. (Shelby), Williams, Wood and Yelton--13.

Representatives present and not voting were: Brewer, Kernell, Robinson (Hamilton) and Shirley--4.

Thereupon, Amendment No. 6 was adopted by the following vote:

Ayes . . . . .	58
Noes . . . . .	37

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Duer, Ellis, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, King, Lawson, May, McCroskey, McNally, Moody, Moore (Sullivan), Murray, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Treadway, Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Work and Yelton--58.

Representatives voting no were: Bragg, Brewer, Chiles, Clark (Davidson), Copeland, Covington, Davis (Knox), Dixon, Drew, Gaia, Garrett, Gill, Hassell, Jones, Kent, Kernell, Kisber, Love, McAfee, Miller, Montgomery, Moore (Shelby), Murphy, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams and Wood--37.

Mr. Copeland moved to amend as follows:

#### AMENDMENT NO. 7

Amend House Bill No. 805 by adding the following new section immediately preceding the effective date section:

Section \_\_\_\_\_. It is the legislative intent that user-fees shall be paid in the form of gas taxes to aid in the support and maintenance of state highways, local county roads, and city streets.

It is further the legislative intent that those who pay user-fees for service are rightfully entitled to receive commensurate service for the fees paid.

Notwithstanding any other provision of this act or law to the contrary, that portion of the revenues from the additional tax imposed by this act designated for distribution by Tennessee Code Annotated, Section 67-3-617 (b)(3) and (4) shall be apportioned for distribution to the county area from which such revenue is derived in the same proportion as the gas tax collections within such county area bears to the state's total gas tax collections. Such revenues shall be apportioned within such county area as follows:

(A) Sixty-six and two-thirds percent (66 2/3%) of such tax collected to the county, and

(B) Thirty-three and one-third percent (33 1/3%) of such tax collected to the municipalities in such county in proportion to the tax collected within such municipalities.

The Commissioner of the Department of Revenue and the Commissioner of the Department of Transportation shall develop a mechanism by which gas taxes paid by residents of each county area can be determined. Such mechanism shall also allocate to each county area a share of those gas taxes paid to the state by non-resident purchasers of gasoline in the same proportion that such county area's residents paid gas taxes to the state.

For the purposes of this section, (1) "county area" means a county and the municipalities within such county and (2) "non-resident purchaser" means a non-resident of Tennessee.

Mr. Burnett moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	56
Noes . . . . .	41

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Clark (Sumner), Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Duer, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Lawson, May, McCroskey, McNally, Moody, Moore (Sullivan), Murray, Naifeh, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stafford, Stallings, Tankersley, Tanner, Treadway, Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe and Work--56.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Representatives voting no were: Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davis (Knox), DeBerry, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Jones, Kent, Kernell, King, Kisber, Love, McAfee, Miller, Montgomery, Moore (Shelby), Murphy, Nance, Robinson (Hamilton), Severance, Shirley, Starnes, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams, Wood and Yelton--41.

Mr. Bivens moved the previous question, on the bill, which motion prevailed by the following vote:

Ayes . . . . .	68
Noes . . . . .	25
Present and not voting . . . . .	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dills, Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Lawson, Love, May, McCroskey, McNally, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Starnes, Swann, Tankersley, Treadway, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe and Work--68.

Representatives voting no were: Clark (Davidson), Copeland, Covington, Davis (Knox), Dixon, Drew, Ellis, Gaia, Gill, Jones, Kent, Kisber, McAfee, Miller, Montgomery, Moore (Shelby), Robinson (Hamilton), Severance, Shirley, Stafford, Tanner, Turner, C. (Shelby), Williams, Wood and Yelton--25.

Representatives present and not voting were: Brewer, Kernell and King--3.

Thereupon, House Bill No. 805, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	52
Noes . . . . .	46

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Duer, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, King, Lawson, May, McCroskey, McNally, Moody, Moore (Sullivan), Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Swann, Tankersley, Ussery, Wheeler, Whitson, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--52.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Representatives voting no were: Bell, Bragg, Brewer, Chiles, Clark (Davidson), Copeland, Covington, Darnell, Davis (Knox), DeBerry, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Jared, Jones, Kent, Kernell, Kisber, Love, McAfee, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams and Wood--46.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution No.:

145--Relative to memory, Attorney Carl A. Cowan; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Mr. Drew moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 145 out of order, which motion prevailed.

Senate Joint Resolution No. 145--Relative to memory, Attorney Carl A. Cowan.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Drew, the resolution was concurred in.

A motion to reconsider was tabled.

House Bill No. 777--To exempt sales, tangible personal property, semi-annual basis.

On motion, House Bill No. 777 was made to conform with Senate Bill No. 923.

On motion, Senate Bill No. 923, on same subject, was substituted for House Bill No. 777.

Mr. Swann moved that Senate Bill No. 923 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb,

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 601--To make certain provisions, nonsupport of spouses or children.

On motion, House Bill No. 601 was made to conform with Senate Bill No. 475.

On motion, Senate Bill No. 475, on same subject, was substituted for House Bill No. 601.

Ms. Williams moved that Senate Bill No. 475 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Hassell and Kent--2.

A motion to reconsider was tabled.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

House Bill No. 708--To permit incarceration, juvenile offenders.

Mr. Dills moved that House Bill No. 708 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 708 by deleting Sections 1-5 in their entirety and substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 37-1-102 (4) (a) is amended by changing the period at the end of subsection (ii) to a semicolon and adding the word "or" and by adding a new subsection (iii) as follows:

(iii) A person under the age of twenty-one (21) who has been adjudicated delinquent and given a determinate sentence under Section 37-1-137(a)(1)(B), Tennessee Code Annotated, provided however, a juvenile reaching the age of eighteen (18) and under commitment to the department of correction is legally an adult except with regard to serving the institutional and community supervision time stipulated in his or her adjudication of delinquency.

**SECTION 2.** Tennessee Code Annotated, Section 37-1-137, is amended by deleting the semicolon at the end of subsection (4) and adding the following language:

which commitment shall not extend past the child's twenty-first birthday;

**SECTION 3.** Tennessee Code Annotated, Section 37-1-137(a) (1) is amended by renumbering said subsection as (a)(1)(A) and adding the following subsection designated as (a)(1)(B):

If a juvenile offender is tried and adjudicated delinquent in Juvenile Court for a Class X Felony, or has been previously adjudicated delinquent in three (3) felony offenses arising out of separate criminal episodes at least one of which has resulted in institutional commitment to the department of correction, or is within six (6) months of his 19th birthday at the time of his adjudication of delinquency, the commitment may be for a determinate period of time but in no event shall the length of said commitment be greater than the sentence for an adult convicted for the same crime nor shall said commitment extend past the offender's 21st birthday. Provided, further that commitment under this section shall not exceed the sentences provided for in Title 40, Chapter 35, Tennessee Code Annotated, and in no event shall a juvenile offender be sentenced under Range 2.

**SECTION 4. Tennessee Code Annotated, Section 37-1-137 is amended by adding the following language to subsection (5)(c):**

In the event the juvenile offender is a person described in subsection (a)(1)(B) and is given a determinate commitment, and the Commissioner of Correction or his designee is of the opinion that the juvenile offender is a fit subject for home placement, he shall request a hearing before the Judge of the Juvenile Court in which the original commitment occurred. Said request shall state the reasons for recommending the placement and shall make specific recommendations as to where the child will be placed. A copy of said request for a hearing shall be supplied to the District Attorney General. If, on review of the record, the Court is of the opinion that the request is well taken and the District Attorney has no objection, the judge may order said placement without a hearing. Otherwise the court shall schedule a hearing within fifteen (15) days of the receipt of the request for hearing. At the hearing, the Department of Correction, the Juvenile Offender, and the State shall be given an opportunity to be heard in support of or in opposition to the proposed placement and all of said parties may subpoena witnesses to testify on any issue raised by the proposed placement. The Court may make such orders pertaining to the continued commitment or home placement as the Court determines are justified under the proof produced at the hearing. The Court's decision shall be appealable under the provisions of Section 37-1-302, Tennessee Code Annotated.

**SECTION 5. Tennessee Code Annotated, Section 37-1-137, is amended by adding the following language to subsection (5)(g):**

In the event the juvenile offender is a person described in subsection (a)(1)(B) and is given a determinate commitment and the Commissioner of Correction or his designee is of the opinion that the juvenile offender is a fit subject for discharge, he shall request a hearing before the Judge of the Juvenile Court in which the original commitment occurred. Said request shall state the reasons for recommending the discharge and shall make specific recommendations as to where the child will be placed. A copy of said request for a hearing shall be supplied to the District Attorney General. If, on review of the record the Court is of the opinion that the request is well taken and the District Attorney has no objection, the judge may order said placement without a hearing. Otherwise the Court shall schedule a hearing within fifteen (15) days of the receipt of the request for hearing. At the hearing, the Department of Correction, the juvenile offender, and the State shall be given an opportunity to be heard in support of or in opposition to the proposed discharged and all of said parties may subpoena witnesses to testify on any issue



raised by the proposed discharge. The Court may make such orders pertaining to the continued commitment or discharge as the Court determines are justified under the proof produced at the hearing. The Court's decision shall be appealable under the provisions of Section 37-1-302, Tennessee Code Annotated.

**SECTION 6.** This act shall take effect on December 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 708, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1012--To allow certain credit against business taxes.

On motion, House Bill No. 1012 was made to conform with Senate Bill No. 1002.

On motion, Senate Bill No. 1002, on same subject, was substituted for House Bill No. 1012.

Mr. Ridgeway moved that Senate Bill No. 1002 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner),

Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 283--To repeal certain exemptions, sale and use of alcoholic beverages.

On motion, House Bill No. 283 was made to conform with Senate Bill No. 366.

On motion, Senate Bill No. 366, on same subject, was substituted for House Bill No. 283.

Mr. Dills moved that Senate Bill No. 366 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

#### **AMENDMENT NO. 1**

Amend Senate Bill No. 366 by deleting in its entirety all the language of the bill following the enacting clause, and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 1-3-113 (b), (1), the second sentence, is repealed.

**SECTION 2.** The existing language of Tennessee Code Annotated, Section 1-3-113 (b) (3), is repealed, and the following language is substituted instead:

(3) The provisions of Tennessee Code Annotated, Section 39-6-910 (1), shall not be affected by any provision of this subsection, it being the intent of the general assembly that such provisions remain lawful and in full force and effect. Any such priest or minister may utilize and administer alcohol or wine at a communion service, bar mitzvah, bat mitzvah, or other similar religious service or ceremony, in accordance with the practices of such denomination or sect.

SECTION 3. The present language of Tennessee Code Annotated, Section 1-3-113 (b) (2), is repealed, and the following language is substituted instead:

(2) Members of the United States armed forces on active duty upon showing of proper identification shall not be subject to the legal age or age of majority provisions with respect to the purchase, consumption, or possession of alcoholic beverages, wine, or beer contained in any provision of the Tennessee Code Annotated.

SECTION 4. Tennessee Code Annotated, Section 1-3-113 (b) (4) and Section 1-3-113 (b) (5) are repealed.

SECTION 5. Tennessee Code Annotated, Section 57-5-301 (d), the third sentence, is repealed.

SECTION 6. Except for Sections 4 and 5, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 4 and 5 shall take effect August 1, 1986.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 366, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

Senate Joint Resolution No. 96--Relative to maintaining funding, U. S. Forest Service Silvicultural Lab, Sewanee.

Mr. Murray moved that Senate Joint Resolution No. 96 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Chiles and McCroskey--2.

A motion to reconsider was tabled.

Mr. Robinson (Davidson) moved that Senate Bill No. 790 be placed on the Calendar for Wednesday, May 15, 1985, which motion prevailed.

House Bill No. 568--To make certain provisions, property taxes.

On motion, House Bill No. 568 was made to conform with Senate Bill No. 258.

On motion, Senate Bill No. 258, on same subject, was substituted for House Bill No. 568.

Mr. Darnell moved that Senate Bill No. 258 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

#### **AMENDMENT NO. 1**

Amend Senate Bill No. 258 by adding the following new section:

Section . Tennessee Code Annotated, Section 67-5-2406, is amended by deleting the section in its entirety and substituting instead the following:

Upon the failure of the county trustee and the county executive to employ an attorney and institute suits for the collection of delinquent taxes, and within the time provided, the district attorney general shall have power, and it is his duty, to:

- (i) employ an attorney to institute and prosecute suits for the collection of such taxes; or
- (ii) maintain an action for a writ of mandamus to compel the county trustee and county executive to employ an attorney to institute and prosecute suits for the collection of such taxes.

On motion, the amendment was adopted.

Mr. Darnell moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 258 by adding the following new section:

Section \_\_\_\_ . Tennessee Code Annotated, Section 67-5-2406, is amended by adding the following new subsection:

In the event a delinquent tax attorney has not prosecuted delinquent tax suits to a sale of the property within five (5) years of the filing of the suit, the court, on motion of the county executive and trustee or the district attorney general, may remove the attorney from all delinquent tax suits the attorney is prosecuting, unless satisfactory explanation of the delay is proven to the court. Upon the attorney's removal, the lien for attorney's fees on any remaining unpaid taxes shall be extinguished as to such attorney.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 258, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	89
Noes . . . . .	5
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

## **WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Representatives voting no were: Gafford, Harrill, Lawson, Moody and Winningham--5.

Representative present and not voting was: Jones--1.

A motion to reconsider was tabled.

### **CONSENT CALENDAR**

#### **OBJECTION**

An objection was filed to the following bill on the Consent Calendar:

Mr. Dills objected to House Bill No. 1099.

Under the rules, House Bill No. 1099 was placed at the foot of the Calendar for Thursday, May 9, 1985.

### **CONSENT CALENDAR**

House Bill No. 657--To allow purchase of supplies, Board of Education, Monroe County.

On motion, House Bill No. 657 was made to conform with Senate Bill No. 898.

On motion, Senate Bill No. 898, on same subject, was substituted for House Bill No. 657.

House Bill No. 1098--To amend Charter, Decherd.

House Joint Resolution No. 308--Relative to commending WKNO television station.

House Joint Resolution No. 309--Relative to commending James E. Wood.

House Joint Resolution No. 310--Relative to honoring memory, Harriet Van Vleet.

House Joint Resolution No. 311--Relative to expressing appreciation, Neds' Barbecue Cook-off.

House Joint Resolution No. 312--Relative to commending W. A. Suggs Scholarship Association.

House Joint Resolution No. 313--Relative to proclaiming "Northwood Park Day".

Senate Joint Resolution No. 127--Relative to congratulating Coach Tommy Carpenter and girls' basketball team.

## **WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Senate Joint Resolution No. 133--Relative to honoring Pilgrim Rest Church, Memphis.

Senate Joint Resolution No. 134--Relative to honoring Northside Middle School Band.

Senate Joint Resolution No. 135--Relative to honoring Kenneth L. Harris.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

### **HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 68--To increase fine for prostitution.

#### **SENATE AMENDMENT NO. 1**

Amend House Bill No. 68 by deleting from Section 1 the words and figure "five hundred dollars (\$500)" and substituting instead the words and figures "one hundred dollars (\$100)".

FURTHER AMEND by deleting from Section 2 the words and figure "seven hundred and fifty dollars (\$750)" and substituting instead the words and figure "two hundred dollars (\$200)".

FURTHER AMEND by deleting Section 3 in its entirety and renumbering subsequent sections accordingly.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 68 by deleting Section 6 in its entirety.

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 68 by deleting Sections 4 and 5 in their entirety.

Mr. Ussery moved that the House non-concur in Senate Amendments Nos. 1, 2 and 3, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 435--To make provisions, utility districts.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 435 by deleting from the amendatory language in Section 2 in item (h) (1) the word and figure "seven (7)" and substituting instead the word and figure "five (5)".

AND FURTHER AMEND by deleting from the amendatory language of Section 2 item (6) and (7) in their entirety and renumbering subsequent items accordingly.

AND FURTHER AMEND by deleting Section 4 in its entirety and substituting instead the following new section:

SECTION 4. This act shall take effect on October 1, 1985, the public welfare requiring it.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 435 by deleting the last sentence of Section 2 (4) as follows:

"All nominees shall be residents and subscribers of the district in which a board vacancy exists."

and substituting in lieu thereof the following:

Only persons residing in the district or owning real property within the district shall be eligible for election to the board. There shall be one member of the board elected from each of the areas formerly served by the Southwest Bedford Public Utility District; Northwest Bedford Utility District; the Bedford Public Utility District; and the Normandy Road Water Cooperative. There shall also be a member elected from the county at large. The present members of the board shall remain in office until the expiration of their present terms of office.



**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 435 by deleting from the amendatory language in Section 2 in item (h) (1) the word and figure "seven (7)" and substituting instead the word and figure "five (5)".

AND FURTHER AMEND by deleting from the amendatory language of Section 2 items (6) and (7) in their entirety and renumbering subsequent items accordingly.

AND FURTHER AMEND by deleting Section 4 in its entirety and substituting instead the following new section:

SECTION 4. This act shall take effect on October 1, 1985, the public welfare requiring it.

**SENATE AMENDMENT NO. 4**

Amend House Bill No. 435 by deleting the last sentence of Section 2 (4) as follows:

"All nominees shall be residents and subscribers of the district in which a board vacancy exists."

and substituting in lieu thereof the following:

Only persons residing in the district or owning real property within the district shall be eligible for election to the board. There shall be one member of the board elected from each of the areas formerly served by the Southwest Bedford Public Utility District; Northwest Bedford Utility District; the Bedford Public Utility District; and the Normandy Road Water Cooperative. There shall also be a member elected from the county at large. The present members of the board shall remain in office until the expiration of their present terms of office.

**SENATE AMENDMENT NO. 5**

Amend House Bill No. 435 by striking the second sentence in Section 2 (h)(5) which reads as follows:

"All subscribers shall be eligible to vote in such election by appearing at such place of election and reasonably identifying themselves as a customer."

and substituting in lieu thereof the following:

"Any properly registered and legally qualified voter registered to vote within the boundaries of the utility district and whose name appears on the current subscriber and customer list of the utility district as furnished to the election commission shall be qualified to vote in such election. The

## WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY

nominee for a particular vacancy receiving the highest number of votes shall be declared to be elected."

Mr. Phillips moved that the House concur in Senate Amendments Nos. 1, 2, 3, 4 and 5, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	3
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter --93.

Representatives voting no were: DePriest, Severance and Work--3.

Representative present and not voting was: Clark (Davidson)--1.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 528--To amend Good Samaritan Law.

### SENATE AMENDMENT NO. 2

Amend House Bill No. 528 by adding a new section thereto to be designated as Section 3 and renumbering remaining sections accordingly:

Tennessee Code Annotated, Section 63-6-218, is further amended by adding a new sentence to the existing language to read as follows:

Provided further that a receiving medical facility shall not be liable for any civil damages as result of any act or omission on the part of any member of a volunteer first aid, rescue, or emergency squad, which provides emergency public first aid and rescue services, while such person is assisting medical personnel at the receiving medical facility.

Mr. Hurley moved that the House concur in Senate Amendment No. 2,

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

**REMARKS BY MR. HURLEY**

Mr. Speaker:

It is the intent of this general assembly by the enactment of H.B. 528/S.B. 826 to specifically extend the protection of the "Good Samaritan Law" to members of a volunteer first aid, rescue or emergency squad who provide emergency public first aid and rescue services, thereby eliminating the need for such members or squads to purchase malpractice insurance.

**Bruce Hurley**

Mr. Cobb moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 319 out of order, which motion prevailed.

House Joint Resolution No. 319--Relative to honoring Historic Nashville and directors--By Cobb.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Cobb, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hobbs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 325 out of order, which motion prevailed.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

House Joint Resolution No. 325--Relative to congratulating Ronald Craig--By Hobbs and Bragg.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hobbs, in resolution was adopted.

A motion to reconsider was tabled.

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 322 out of order, which motion prevailed.

House Joint Resolution No. 322--Relative to honoring Edmond W. Meisenholder--By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

149--Relative to creating task force, tobacco;

150--Relative to congratulating Mr. and Mrs. Milton Hugh Hamilton, Sr.;

152--Relative to recognizing Mark Hackett for service rendered state; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

142--Relative to naming "Franklin H. "Chick" Brown Bridge;

151--Relative to memory, John C. Gattsball; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Mr. Tanner moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 150 out of order, which motion prevailed.

Senate Joint Resolution No. 150--Relative to congratulating Mr. and Mrs. Milton Hugh Hamilton, Sr.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Tanner, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of considering House Joint Resolution No. 324 out of order, which motion prevailed.

House Joint Resolution No. 324--Relative to honoring LaFollette Training League Junior Pro All-Stars--By Wheeler and Cross.

On motion, the rules suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Byrd moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 151 out of order, which motion prevailed.

Senate Joint Resolution No. 151--Relative to memory, John C. Gottshall.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Byrd, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Byrd moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 152 out of order, which motion prevailed.

Senate Joint Resolution No. 152--Relative to recognizing Mark Hackett for service rendered state.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Byrd, the resolution was concurred in.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No.:

188--To provide certain recognition, certain high school pupils.

The Senate refused to recede from its action in nonconcurring in House Amendments Nos. 1, 2 and 3.

The Speaker appointed a Conference Committee composed of Senators Moore, Owen and Burleson to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 188.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

Ms. Moore (Sullivan) moved that the Speaker appoint a Conference Committee to meet with the Senate Committee to resolve the differences between the two bodies on Senate Bill No. 188, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed Representatives Moore (Sullivan), Moore (Shelby) and Cobb as the Conference Committee on Senate Bill No. 188.

Mr. Love moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 140 out of order, which motion prevailed.

Senate Joint Resolution No. 140--Relative to commending Bill Hampton and South Street Boys.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was concurred in.

A motion to reconsider was tabled.

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills,

Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 136 out of order, which motion prevailed.

Senate Joint Resolution No. 136--Relative to services, emotionally disturbed children.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 137 out of order, which motion prevailed.

Senate Joint Resolution No. 137--Relative to appreciation Lisa Geater.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 138 out of order, which motion prevailed.

Senate Joint Resolution No. 138--Relative to appreciation, Dianne Thompson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 139 out of order, which motion prevailed.

Senate Joint Resolution No. 139--Relative to honoring Ernest Jackson, Jr.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 144 out of order, which motion prevailed.

Senate Joint Resolution No. 144--Relative to honoring Reverend S. H. Herring, Sr.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

### **INTRODUCTION OF RESOLUTIONS**

House Resolution No. 31--Relative to memorializing Lt. Keith D. Heithcock--By Frensley.

Under the rules, House Resolution No. 31 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 314--Relative to urging for small stipends for college athletes--By Drew.

The Speaker referred House Joint Resolution No. 314 to the Committee on Education.

House Joint Resolution No. 315--Relative to congratulating Kenton Junior High School girls' basketball team--By Tanner.

Under the rules, House Joint Resolution No. 315 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 316--Relative to expressing sorrow, death of Dr. Walter E. "Gene" Helms, Sr.--By Tankersley, Kisber and Davis (Gibson).



## **WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

Under the rules, House Joint Resolution No. 316 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 317--Relative to memory, former Representative Parnell Taylor--By Ridgeway.

Under the rules, House Joint Resolution No. 317 was referred to the Committee on Calendar and Rules.

House Resolution No. 32--Relative to honoring Dr. W. G. "Bill" Rhea, Sr.--By Ridgeway.

Under the rules, House Resolution No. 32 was referred to the Committee on Calendar and Rules.

House Resolution No. 33--Relative to honoring Nan Robbins--By Ridgeway.

Under the rules, House Resolution No. 33 was referred to the Committee on Calendar and Rules.

### **RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 141--Relative to appreciation, Catherine Hayes Crawford.

Under the rules, Senate Joint Resolution No. 141 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 143--Relative to Huntingdon Garden Club, 25th anniversary.

Under the rules, Senate Joint Resolution No. 143 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1105--To regulate Henry County ambulance service --By Ridgeway.

Passed first consideration.

House Bill No. 1106--To provide for ambulance service, Henry County--By Ridgeway.

Passed first consideration.

House Bill No. 1107--To make certain provisions, Henry County hospital--By Ridgeway.

Passed first consideration.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

House Bill No. 1108--To regulate Henry County nursing home--By Ridgeway.

Passed first consideration.

House Bill No. 1109--To amend charter, Carthage--By Buck.

Passed first consideration.

House Bill No. 1110--To levy mineral severance tax, Williamson County--By Frensley and Hobbs.

Passed first consideration.

House Bill No. 1111--To amend charter, Tiptonville--By Tanner.

Passed first consideration.

House Bill No. 1112--To provide for election, Davidson County Democratic Executive Committee--By Covington.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1100--To make certain provisions, county attorney, Lawrence County.

Passed second consideration and held without reference.

House Bill No. 1101--To provide funding, T.I.S.L.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1102--To amend Section 69-12-118 (f), Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1103--To amend Charter, Monterey.

Passed second consideration and held without reference.

House Bill No. 1104--To amend Charter, Jackson.

Passed second consideration and held without reference.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE**

MR. SPEAKER: Your Committee on Agriculture begs leave to report

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

that we have carefully considered and recommend for passage: Senate Joint Resolution No. 130.

STALLINGS, Chairman.

Under the rules, Senate Joint Resolution No. 130 was transmitted to the Committee on Calendar and Rules.

### **GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 190(with amendment) and 608.

KING, Chairman.

Under the rules, House Bills Nos. 190 and 608 were transmitted to the Committee on Calendar and Rules.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 52(with amendments), 270(with amendments), 289(with amendments), 301, 400, 530, 659, 702, 758, 950, 968, 990; and House Joint Resolution No. 293 and further recommend that pursuant to House Rule No. 71, House Bill No. 52(with amendments) and 659 be referred to the Committee on Finance, Ways and means.

MURPHY, Chairman.

Under the rules, House Bills Nos. 270, 301, 400, 530, 659, 702, 758, 950, 968, 990; and House Joint Resolution No. 293 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71, the Speaker referred House Bill No. 52 and 659 to the Committee on Finance, Ways and Means.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 9, 1985: House Bills Nos. 989, 411, 872, 943, 1036, 156, 158, 164, 166, 167, 179, 183, 185, 189, 148, 149, 150, 153, 625, Senate Bill No. 604, House Bills Nos. 628, 724 and 982.

GILL, Chairman.

### **REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 76, 206,

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

275, 286, 336, 386, 532, 711, 868, 879, 972, 1031, 1081, 1082, 1086, 1092 and 1093; and House Joint Resolutions Nos. 253, 282, 283 and 284; for his action.

MARLYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to request the return of House Bill No. 9, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Rhinehart, House Bill No. 9 was returned to the Senate as requested.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

320--Relative to Fortieth Anniversary of "V-E Day"; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1089--To amend Charter, Jackson; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

132--To provide funding, police pay supplement;

417--To regulate use of deadly force, arresting officer; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 320; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Joint Resolution No. 320.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos:

1089--To set boundaries, South Carroll Special School District;

1097--To authorize school bonds, Franklin Special School District; both substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 320; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1089 and 1097; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1089 and 1097.

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1100, 1103 and 1104.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, May 9, 1985: House Bills Nos. 834, 1100, 1103, 1104; House Resolutions Nos. 31, 32, 33, House Joint Resolutions Nos. 315, 316, 317 and Senate Joint Resolutions Nos. 141 and 143.

GILL, Chairman.

**NOTICE PURSUANT TO RULE NO. 58**

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 9, 1985:

House Bill No. 515--Cobb

and on Monday, May 13, 1985:

House Bill No. 304--Webb

**RESOLUTION RE-REFERRED**

On motion of Mr. McAfee, House Joint Resolution No. 307 was recalled from the Committee on State and Local Government.

On motion of Mr. McAfee, House Joint Resolution No. 307 was referred to the Committee on Judiciary.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 390--Turner (Hamilton)

House Bill No. 418--Drew

House Bill No. 805--Henry

**WEDNESDAY, MAY 8, 1985--45th LEGISLATIVE DAY**

House Bill No. 860--Turner (Hamilton)

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 60, 223, 238, 708, 805, 1098; House Joint Resolutions Nos. 308, 309, 310, 311, 312, 313, 319, 322, 324 and 325; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos. 124, 285 and 286; and also, House Bills Nos. 134, 195, 481, 540, 966, 1091 and 1094; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.:

188--To provide certain recognition, certain high school pupils.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.:

881--To create Local Courts Commission; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 11:00 a.m., tomorrow.